

227904

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

September 30, 2010

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings

SEP 30 2010

Part of
Public Record

Re: Environmental Report, Historic Report and Required Certifications for
Docket No. AB 303 (Sub No. 36X) – Wisconsin Central Ltd.
Notice of Exemption for Abandonment in Brown County, Wisconsin

Dear Ms. Brown:

Wisconsin Central Ltd. intends on filing a Notice of Exemption for the above-reference proposed abandonment any time on or after October 20, 2010. Enclosed for the above-referenced Notice of Exemption are the following, which are required by 49 C.F.R. Part 1105:

1. An original of the transmittal letter that accompanied the reports, and
2. An original of a certificate demonstrating compliance with the requirements of 49 C.F.R. Part 1105.
3. An original of the Environmental/Historic Report;

Thank you for your assistance in this matter, and please feel free to call me if you have any questions.

Respectfully submitted,



Michael J. Barron, Jr.
Counsel for Wisconsin Central Ltd.

MB/jc
Enclosures
cc: Service List Parties

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September 30, 2010

Re: Docket No. AB 303 (Sub No. 36X) – Wisconsin Central Ltd.
Proposed Abandonment in Brown County, Wisconsin

To Whom It May Concern:

Any time on or after October 20, 2010, Wisconsin Central Ltd. ("WCL") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon a railroad line located in Brown County, Wisconsin, starting at milepost 3.88 in the Village of Howard, Wisconsin and continuing 1.92 miles to milepost 5.8 on the Oneida Tribe of Indians of Wisconsin Reservation. Enclosed is an Environmental Report and a Historic Report describing the proposed action and any expected environmental and historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis of the STB's independent environmental and historical analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental and historic review process, please contact their Section of Environmental Analysis ("SEA"), at the Surface Transportation Board, 395 E. Street, S.W., Washington, D.C. 20423, telephone number (202)-245-0295, and refer to the above docket number.

WCL will file the Environmental Report and Historic Report with the STB on September 30, 2010. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the STB (with a copy to the undersigned) would be appreciated within three weeks. Your comments will be considered by the STB in evaluating the environmental and historical impact of the contemplated action.

If there are any questions concerning this proposal, please contact the undersigned directly at (312) 252-1511 or by mail at the above address.

Sincerely,



Michael J. Barron, Jr.
Counsel for Wisconsin Central Ltd.

Encl.

Docket No. AB-303 (Sub-No. 36X)

WISCONSIN CENTRAL LTD.

NOTICE OF EXEMPTION FOR
ABANDONMENT IN BROWN
COUNTY, WISCONSIN

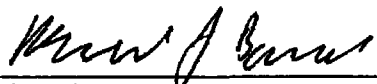
To: Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423

CERTIFICATE OF COMPLIANCE WITH 49 C.F.R. PART 1105

I hereby certify that on September 30, 2010, copies of the Environmental Report and Historic Report for the above-captioned proceeding were served on the agencies listed at 49 C.F.R. § 1105.7(b), all agencies consulted in preparing the reports, and on the Wisconsin Historical Society and Tribal Historic Preservation Offices for the Oneida Tribe of Indians of Wisconsin. A service list is attached and incorporated into this certificate as Attachment A. The reports have been sent within the time period specified, as Wisconsin Central Ltd intends to file its Notice of Exemption in the above-captioned matter no earlier than October 20, 2010. All appropriate agencies as listed in 49 C.F.R. § 1105.7(e) have been consulted well in advance of preparing the Environmental Report.

I also certify that a newspaper notice was published on September 2, 2010, in *The Green Bay Press Gazette*, a newspaper of general circulation in Brown County, Wisconsin. The notices alerted the public to the proposed abandonment, to possible reuse alternatives, and to procedures for participating in the STB proceeding. A copy of the notice and the affidavit of publication is attached to this certificate as Attachment B.

Dated this 30th day of September, 2010



Michael J. Barron, Jr.
Counsel for Wisconsin Central Ltd.

ATTACHMENT A

**Mr. Sherman Banker
Wisconsin Historical Society
Division of Historic Preservation and Public
History
816 State Street
Madison, WI 53706**

**U.S. Army Corp of Engineers
St. Paul District (CEMVP-PA)
190 Fifth Street East
St. Paul, MN 55101-1638**

**Mr. Kenneth A. Westlake
Chief, NEPA Implementation Section
US EPA Region 5
77 West Jackson Blvd.
Chicago, IL 60604**

**National Park Service
Department of Interior
1849 C Street, N.W.
Washington, DC 20240**

**National Geodetic Survey Information
Services
SSMC-3, #9202
1315 East-West Highway
Silver Springs, Maryland 20910-3282**

**Mr. Gregory Hines, RC&D Coordinator
Natural Resource Conservation Service
3071 Voyager Drive, Suite E
Green Bay, WI 54311-8343**

**Mr. Guy Zima
County Board Chairperson – Brown County,
WI
305 East Walnut Street
Green Bay, WI 54305**

**U.S. Fish & Wildlife Service
2661 Scott Tower Drive
New Franken, Wisconsin 54229**

**Wisconsin Department of Natural
Resources
DNR Northeast Region HDQRS
2984 Shawano Ave.
Green Bay, Wisconsin 54313-6727
ATTN: James P. Doperalski, Jr.**

**Wisconsin Department of Transportation
Hill Farms State Transportation Building
4802 Sheboygan Avenue, Suite 115B
Madison, Wisconsin 53705
ATTN: Kathleen Chung**

**Wisconsin Department of Administration
Intergovernmental Services
PO Box 8944
101 East Wilson Street, 9th Floor
Madison, WI 53707-8944**

**Wisconsin Department of Administration
Wisconsin Coastal Management Program
P.O. Box 8944
101 East Wilson Street
Madison, WI 53708-8944**

**Oneida Tribe of Indians of Wisconsin
PO Box 365
Oneida, Wisconsin 54155**

**Ms. Corina Williams, THPO
Oneida Tribe of Indians of Wisconsin
3703 Hillcrest Drive
PO Box 365
Oneida, WI 54155**

GREEN BAY PRESS-GAZETTE

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Your Local News Source

STATE OF WISCONSIN
BROWN COUNTY

FLETCHER & SIPPEL LLC
29 NORTH WACKER DRIVE, SUITE 920
CHICAGO, IL 60606

Holly Schnude

Being duly sworn, doth depose and say that she is an authorized representative of the Green Bay Press Gazette, a newspaper published in Brown and Kewaunee Counties, Wisconsin, and that an advertisement of which is annexed is a true copy, taken from said paper, which was published therein on

Account Number: 475547

Ad Number: 6127423

Published Date: September 02, 2010

Total Ad Cost: \$68.44

(Signed) Holly Schnude
Legal Clerk

(Date) 9/2/10

Signed and sworn before me

Rhonda M. Pankaj
Notary Public, Brown County, Wisconsin

My commission expires 10/6/2013

FLETCHER & SIPPEL LLC
Re: abandon rail service

GANNETT WIMEDIA
435 EAST WALNUT ST.
PO BOX 23430
GREEN BAY, WI 54305-3430



ATTACHMENT B

Notice of Intent To
Abandon Rail Service
Wisconsin Central
Ltd. (WCL) is filing this
notice of intent to
abandon rail service
with the Surface
Transportation Board,
Washington, DC 20423,
a notice of abandonment
under 49 CFR 1182.
Supporting documents
permitting the abandon-
ment of a 1.6 mile
line of railroad bet-
ween railroad mile-
post 3.49 in the Vi-
laine of Johnson, Wis-
consin, and milepost
5.1 on the Oconto
Trunk of Indiana at
Wisconsin Reservation,
which traverses
through United States
Forest Service ZIP
Code 5307 in Brown
County, Wisconsin.
The proceeding will
be conducted in the
Albion (Sub-No. 344).
The Board's Section
of Environmental
Analysis (SEA) will
prepare an Environ-
mental Assessment
(EA), which
will normally be
available 21 days af-
ter the filing of the no-
tice of abandonment.
Comments on environ-
mental and energy
issues should be
filed no later than 15
days after the EA be-
comes available in the
public and will be ad-
dressed in a Board de-
cision. Interested per-
sons may obtain a
copy of the EA or
make inquiries re-
garding environmen-
tal matters by writing
to the Section of En-
vironmental Analysis
(SEA), Surface Trans-
portation Board,
Washington, DC 20423
or by calling that of-
fice at (202) 493-2815.
Appropriate offers of
financial assistance to
continue rail service
can be filed with the
Board. An environ-
mental impact state-
ment that relates
to the proposed con-
ditions, public use con-
ditions, or rail busi-
ness/traffic use also
can be filed with the
Board. An environ-
mental impact state-
ment that relates
to the proposed con-
ditions, public use con-
ditions, or rail busi-
ness/traffic use also
must be filed
directly with the
Board's Section of Ad-
ministration, Office of
Proceedings, 333 B
Street, NW, Wash-
ington, DC 20423-0001
(See 49 CFR 1184.1(a)
and 1184.1(b)), and
one copy must be
served on each of the
representative (See 49
CFR 1184.1(c)).
Questions regarding
offers of financial as-
sistance may be di-
rected to the Board's
Office of Public Affair-
ness, Governmental
Affairs, 333 B Street,
NW, Wash-
ington, DC 20423-0001.
Copies of any com-
ments or responses for
conditions should be
served on the Board's
representative:
Michael J. Boyce,
Fletcher & Sippel
LLC, 29 N. Wacker
Dr., Suite 920, Chi-
cago, IL 60606-6006
PH 312-862-1311
Sept. 2, 2010 WMAKLP

PHONE 920-431-8298

FAX 877-943-0443

EMAIL: legal@greenbaypressgazette.com

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO AB-303 (SUB-NO. 36X)

**WISCONSIN CENTRAL LTD
— ABANDONMENT EXEMPTION —
IN BROWN COUNTY, WISCONSIN**

ENVIRONMENTAL/HISTORIC REPORT

**Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 N. Wacker Dr., Suite 920
Chicago, Illinois 60606
312-252-1500
ATTORNEY FOR
WISCONSIN CENTRAL LTD.**

Dated September 30, 2010

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO AB-303 (SUB-NO 36X)

**WISCONSIN CENTRAL LTD
-- ABANDONMENT EXEMPTION --
IN BROWN COUNTY, WISCONSIN**

ENVIRONMENTAL/HISTORIC REPORT

Wisconsin Central Ltd ("WCL") submits this Environmental/Historic Report in compliance with the reporting requirements of 49 C.F.R. §§1105.7 and 1105.8. Supporting correspondence is attached. It is the conclusion of this Report that the proposed abandonment, if implemented, will not significantly affect either the quality of the human environment or the conservation of energy resources.

ENVIRONMENTAL REPORT - 49 C.F.R. § 1105.7(e)

1. **Proposed Action and Alternatives.** WCL seeks to abandon its line of railroad extending from milepost 3.88, in the Village of Howard, Wisconsin, and milepost 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation ("Oneida Reservation"), in Brown County, Wisconsin (the Line"). The Line extends a total distance of approximately 1.92 miles.

The Line has not been required to serve any customer for at least two years. There have been no rail shipments of any kind on the Line in the last two years, and no reasonable possibility for the development of new rail traffic exists. As the Line stub ends at milepost 5.8, there is no overhead traffic.

Following abandonment, WCL intends to salvage rail, ties and track materials from the Line. The rail bed and subgrade of the Line will not be disturbed. The Line may be suitable for a trail. Given the already-developed road system, it would not be suitable for a roadway.

One at-grade crossing will be removed.

No alternatives to the proposed abandonment have been considered. The only alternative is retention of the Line in its unused state. A map showing the location of the Line is attached herein as Appendix A.

WCL has contacted and requested comments from the Brown County Board of Supervisors and the Oneida Tribe of Indians of Wisconsin. See correspondence attached herein as Appendices B and C. WCL has received no comments to date from Brown County. Counsel for WCL did receive a call from Ms. Becky Webster, Counsel for the Oneida Tribe of Indians of Wisconsin, 920-869-4411, on September 7, 2010, inquiring about the abandonment. WCL has received nothing further to date from the Oneida Tribe of Indians of Wisconsin.

2. **Transportation System.** WCL does not anticipate that existing regional or local transportation systems or patterns will be affected by the proposed abandonment. No rail service is currently provided on the Line. Thus, no traffic will be diverted to other transportation systems or modes as a result of the proposed abandonment. There is no overhead traffic on the Line, and no passenger trains are operated over the Line.

WCL has contacted and requested comments from the State of Wisconsin Department of Transportation. See correspondence attached herein as Appendix D. Ms. Kathleen Chung, 608-266-8752, Counsel for the State of Wisconsin Department of Transportation, has made a number of inquiries to the undersigned regarding the process and status of the abandonment.

3. Land Use.

(i) WCL does not foresee any inconsistency with regional and/or local land use plans, but has contacted and requested comments from the Wisconsin Department of Transportation and the Wisconsin Department of Natural Resources ("DNR"). See correspondence attached herein as Appendices D and E. DNR's comments in response to WCL's inquiry are part of Appendix E. In response to DNR's comments, WCL notes that it will be mindful of erosion control during track and tie removal, that at this point WCL only intends on removing the track, ties and OTM and leaving the ballast and bridge in place, that it has no intention of putting any additional fill into a flood plain, that it has contacted the Coastal Zone Management at the Wisconsin Department of Administration about the abandonment, that it has contacted the Corps of Engineers about the abandonment and that it will dispose of demolition and waste material in an appropriate manner.

(ii) The proposed abandonment lies within the limits of Brown County, Wisconsin, very close to Green Bay. The Line is in an urban area and no prime agricultural land will be affected. The Natural Resource Conservation Service (NRCS) has been contacted and comments requested. See correspondence attached herein as Appendix F. WCL has received no comments to date.

(iii) The Line lies within a designated Coastal Zone County in Wisconsin, but WCL believes the proposed abandonment will not affect any land or water uses in such an area or result in any coastal impacts. WCL has contacted the Wisconsin Coastal Zone Program to determine whether the proposed abandonment is consistent with the coastal zone management plan. See correspondence attached hereto as Appendix G. WCL has received no comments to date.

(iv) The right-of-way of the Line may be suitable for an alternative public use under 49 U.S.C. § 10905 as a trail. WCL does not believe the Line would be suitable for other public purposes, such as a road, because the road system in the area of the Line is already highly-developed.

4. **Energy.**

(i) The proposed abandonment will not have any effect on the transportation of energy resources. No energy resource commodities move on the Line, and WCL foresees little or no possibility that such on-line traffic would develop in the future.

(ii) The movement and/or recovery of recyclable commodities will not be adversely affected by this abandonment. No such traffic has been handled on this line, and WCL foresees little or no possibility that any online recyclable commodity traffic would develop in the future.

(iii) Abandonment will not result in an increase or decrease in overall energy efficiency. There is no freight traffic on the Line and thus there will be no changes in existing transportation patterns or energy usage as a result of the proposed abandonment.

(iv) Not applicable. Abandonment of the Line will not cause the diversion of more than 1,000 rail carloads per year or an average of 50 rail carloads per mile per year to motor carriers.

5. **Air.**

(i) Not applicable. Abandonment will not result in (A) a minimum increase in rail traffic of 100% or eight trains per day on any segment of rail line, (B) an increase in rail yard activity of at least 100%, or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles per day on any road segment.

(ii) Not applicable. Abandonment of the Line will not result in traffic increases which exceed the thresholds specified in 49 C.F.R. § 1105.7(e)(5)(ii)(A), (B) or (C).

(iii) Not applicable. This is an abandonment of a line on which there have been no customers for at least two years and there is no overhead traffic on the line.

6. **Noise.** Not applicable. As indicated above, none of the thresholds identified in 49 C.F.R § 1105.7(c)(5)(i) will be exceeded as a result of the abandonment.

7. **Safety.**

(i) The proposed action will have no adverse effect upon public health or safety. One at-grade crossing, at Packerland Drive, milepost 4.05, will be removed. During any salvage operations, precautions will be taken to ensure public safety.

(ii) Not applicable. To WCL's knowledge, no hazardous commodities were ever handled on this Line. Accordingly, the proposed abandonment will have no effect on the transportation of hazardous materials.

(iii) To the best of WCL's knowledge, there are no known hazardous waste sites or any hazardous waste materials involved on the Line. Four Hundred (400) meters east of the east endpoint of the Line is a former Clark Oil lease site which WCL remediated. Final closure on the clean-up was granted by WDNR in September, 2004. Therefore, WCL believes that its abandonment will not have any adverse impact.

8. **Biological Resources.**

(i) The U.S. Fish and Wildlife Service has been contacted and WCL has requested comments. WCL has received no comments to date. WCL does not believe this abandonment will affect the wetlands or any endangered or threatened species, if any, present in this area. See correspondence attached as Appendix H.

(ii) WCL believes that no national or state parks, forests or refuges will be affected by this abandonment. The Line travels through a developed urban area.

9. **Water.**

(i) WCL believes the abandonment is consistent with applicable water quality standards. WCL has contacted the Wisconsin Department of Natural Resources for comment. See correspondence attached herein as Appendix E.

(ii) The Army Corps of Engineers has been contacted to determine if the proposed abandonment requires permits under Section 404 of the Clean Water Act. See correspondence attached herein as Appendix I. WCL has received no response to date. WCL does not anticipate that the abandonment will involve discharge of dredged or fill material into any existing wetlands.

In addition, abandonment should not impact any 100-year floodplain if no additional fill is placed in any floodplain.

(iii) WCL concludes that no permits under Section 402 of the Clean Water Act are required. No material will be disposed of into a waterway as part of the abandonment. WCL has contacted the regional office of the Environmental Protection Agency and asked for their comments. See correspondence attached herein as Appendix J. WCL has received no comments to date.

10. **Proposed Mitigation.** As no adverse impact is anticipated, WCL does not propose any mitigation activities.

HISTORIC REPORT - 49 C.F.R. § 1105.8(d)

1. **Map.** A map of the Line is attached hereto as Appendix A

2. **Description of Line.** The line to be abandoned extends from milepost 3.88, in the Village of Howard, Wisconsin, to milepost 5.8, on the Oncida Reservation. The Line is situated in Brown County, Wisconsin and extends a total distance of approximately 1.92 miles.

3. **Photographs.** Photographs of the one structure on the Line, a bridge over Duck Creek, at milepost 4.8, are enclosed as part of Appendix K.

4. **Information on Structures.** There is one structures located along this Line, a bridge over Duck Creek at milepost 4.8. It is an 80-foot deck plate girder type bridge. It is at least fifty years old.

5. **History of Operations.** The Line has not been required to serve any customer for at least two years. The Line was previously used for general freight traffic. There have been no rail shipments of any kind on the Line in the last two years, and no reasonable possibility for the development of new rail traffic exists. The Line was originally part of the Green Bay and Western Railroad that ran from Green Bay to East Winona, Wisconsin. Much of that line east of Plover to Green Bay is either abandoned or subject to interim trail use. Part of the Line (from milepost 4.78 to milepost 5.8) was included in a prior abandonment proceeding (See Fox Valley & Western Ltd. – Abandonment Exemption – Brown and Outagamie Counties, Wisconsin, AB-402 (Sub No. 8x)), but the railroad chose not to consummate the segment from 4.78 to 5.8, and authority to do so has now lapsed.

6. **Engineering Documents.** WCL will provide copies of any documents in its possession.

7. **Historic Criteria.** WCL has contacted and given notice of the proposed abandonment to The State Historic Preservation Office within the Wisconsin Historical Society ("SHPO"). See correspondence attached as Appendix K. The SHPO responded that its review

cannot be completed until the Tribal Historic Preservation Officer for the Oneida Tribe of Indians of Wisconsin has completed her review. WCL has also contacted the Tribal Historic Preservation Officer for the Oneida Tribe of Indians of Wisconsin. See correspondence attached as Exhibit L herein. WCL has received no comments to date from the Oneida Tribe.

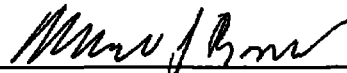
WCL does not believe the bridge at milepost 4.8 qualifies for listing in the National Register. It is not associated with any historic event or person, does not embody any distinctive characteristics or items of artistic value, nor will it yield any historical information.

8. **Ground Disturbances.** Access to the line is generally good. WCL does not believe abandonment and salvage of the Line will disturb or reveal any archeological resources as the subgrade and roadbed will remain undisturbed and only the track, ties and OTM will be removed.

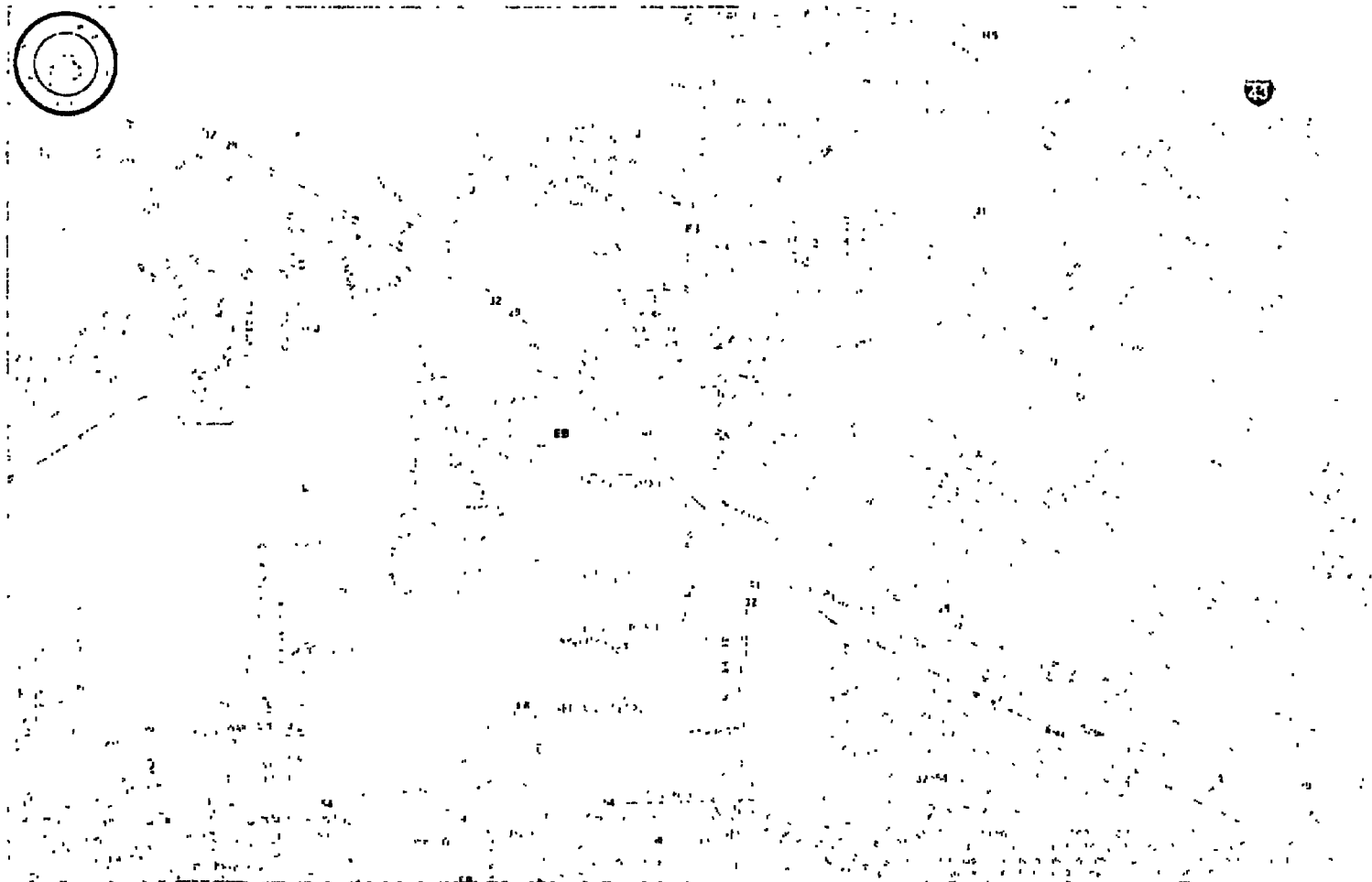
9. **Request by State Historic Preservation Office.** Upon request of the Wisconsin Historical Society or the Oneida Tribal Historic Preservation Offices, WCL will provide such additional information as may be requested under Section 1105.8(d)(9).

Dated September 30, 2010

Respectfully submitted,



Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 N. Wacker Dr., Suite 920
Chicago, Illinois 60606
Telephone: 312-252-1500
Fax: 312-252-2400



- Proposed Abandonment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

August 31, 2010

Mr. Guy Zima
County Board Chair – Brown County, Wisconsin
PO Box 23600
Green Bay, Wisconsin 54301-3600

**Re: Docket No. AB 303 (Sub No. 36X) Wisconsin Central Ltd.
Proposed Abandonment In Brown County, Wisconsin**

Dear Mr. Zima:

Wisconsin Central Ltd. ("WCL"), as successor-in-interest to Fox Valley & Western Ltd., is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.92 miles of railroad line starting at MP 3.88, in the Village of Howard, Wisconsin, and ending at MP 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation, in Brown County, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so that you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

1. Water quality;
2. Designated wetlands;
3. 100-year-old flood plains;
4. Endangered or threatened species;
5. Critical habitats;
6. Wildlife sanctuaries or refuges;
7. National or State parks or forests;
8. Coastal zone management;
9. Soil and natural resource conservation;
10. Agricultural land;
11. Regional and/or local use plans; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,



Michael J. Barron, Jr.
Attorney for Wisconsin Central Ltd.

MJB:jc
Encl

FLETCHER & SIPPEL LLC

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August 31, 2010

Oneida Tribe of Indians of Wisconsin
PO Box 365
Oneida, Wisconsin 54155

**Re: Docket No. AB 303 (Sub No. 36X) Wisconsin Central Ltd.
Proposed Abandonment In Brown County, Wisconsin**

Dear Sir or Madame:

Wisconsin Central Ltd. ("WCL"), as successor-in-interest to Fox Valley & Western Ltd., is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.92 miles of railroad line starting at MP 3.88, in the Village of Howard, Wisconsin, and ending at MP 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation, in Brown County, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so that you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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5. Critical habitats;
6. Wildlife sanctuaries or refuges;
7. National or State parks or forests;
8. Coastal zone management;
9. Soil and natural resource conservation;
10. Agricultural land;
11. Regional and/or local use plans; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,



Michael J. Barron, Jr.
Attorney for Wisconsin Central Ltd.

MJB:jc
Encl

FLETCHER & SIPPEL LLC

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Chicago, Illinois 60606-2832

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(312) 252-1511
mbarron@fletcher-sippel.com

August 31, 2010

Wisconsin Department of Transportation
Hill Farms State Transportation Building
4802 Sheboygan Avenue, Suite 115B
Madison, Wisconsin 53705
ATTN: Ms. Kathleen Chung

Re: **Docket No. AB 303 (Sub No. 36X) Wisconsin Central Ltd.**
Proposed Abandonment In Brown County, Wisconsin

Dear Kathleen:

Wisconsin Central Ltd. ("WCL"), as successor-in-interest to Fox Valley & Western Ltd., is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.92 miles of railroad line starting at MP 3.88, in the Village of Howard, Wisconsin, and ending at MP 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation, in Brown County, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so that you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

1. Water quality;
2. Designated wetlands;
3. 100-year-old flood plains;
4. Endangered or threatened species;
5. Critical habitats;
6. Wildlife sanctuaries or refuges;
7. National or State parks or forests;
8. Coastal zone management;
9. Soil and natural resource conservation;
10. Agricultural land;
11. Regional and/or local use plans; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,



Michael J. Barron, Jr.
Attorney for Wisconsin Central Ltd.

MJB:jc
Encl

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
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www.fletcher-sippel.com

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

August 31, 2010

Wisconsin Department of Natural Resources
DNR Northeast Region HDQRS
2984 Shawano Avenue
Green Bay, Wisconsin 54313-6727

Re: **Docket No. AB 303 (Sub No. 36X) Wisconsin Central Ltd.**
Proposed Abandonment In Brown County, Wisconsin

Dear Sir or Madame:

Wisconsin Central Ltd. ("WCL"), as successor-in-interest to Fox Valley & Western Ltd., is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.92 miles of railroad line starting at MP 3.88, in the Village of Howard, Wisconsin, and ending at MP 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation, in Brown County, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so that you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

1. Water quality;
2. Designated wetlands;
3. 100-year-old flood plains;
4. Endangered or threatened species;
5. Critical habitats;
6. Wildlife sanctuaries or refuges;
7. National or State parks or forests;
8. Coastal zone management;
9. Soil and natural resource conservation;
10. Agricultural land;
11. Regional and/or local use plans; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,



Michael J. Barron, Jr.
Attorney for Wisconsin Central Ltd.

MJB:jc
Encl



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
2884 Shawano Ave.
Green Bay, Wisconsin 54313-6727
Telephone 920-862-5100
FAX 920-862-5413
TTY Access via relay - 711

September 21, 2010

File: Brown, 11971

Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 920
Chicago, IL 60606-2832

SUBJECT: Wisconsin Central Ltd. Proposed Abandonment
Milepost 3.88 to 5.8, Village of Howard to Oneida Tribe of Indians Reservation
Brown County

Dear Mr. Barron:

Thank you for the information regarding the proposed abandonment of the Wisconsin Central Ltd. rail line from Milepost 3.88 to Milepost 5.8 in the Village of Howard and the Oneida Tribe of Indians of Wisconsin Reservation in Brown County. Department staff have reviewed the proposal and offer comments on the potential impacts of the action on the following areas of concern:

1. WATER QUALITY

Proper erosion control measures must be used and maintained during and after any track, tie, bridge or culvert removal. An erosion control plan should be developed and made part of the project plans and specifications. All areas of disturbed soil should be restored to original grade and re-seeded as soon as possible. Native species should be used where appropriate.

2. DESIGNATED WETLANDS

The removal of track and ties should not affect any designated wetlands as they currently exist. However, original construction of the roadbed resulted in the filling of wetlands along the corridor. Original drainage patterns were also altered, resulting in changes to the local hydrology. If future use of the right-of-way is not for transportation or trail purposes, all fills should be removed and the original contours and vegetation re-established. Any work in wetlands may require local, state and/or Corps of Engineers permits.

3. 100 YEAR FLOODPLAINS

The abandonment itself should have no impact on the 100-year floodplain if no additional fill is placed in the floodplain as a result of the abandonment. If the right-of-way is to be used for transportation or trail purposes, the existing bridges and culverts may remain in place if maintained. However, if this is not the case, all structures must be removed completely and the embankments re-graded and permanently stabilized.

4. ENDANGERED OR THREATENED SPECIES / CRITICAL HABITATS

If the disturbance caused by the track and tie removal is limited to the ballast area only, there should be no adverse impacts to the endangered species found along the route. However, railroad right-of-ways (ROW) are often found to have rare plants and remnants of prairies occurring along the undisturbed corridor. Prior to ROW conversion to trails or other uses, surveys should be conducted to determine if native grassland savanna, prairie or wet meadow remnants occur along the corridor. If these habitat types are present then rare and endangered species may occur. Additional surveys of these habitat types should be conducted to determine whether rare or endangered species occur. If these species are present, then the remnants should be mapped and the rare species noted. Prior to implementing any actions associated with rail abandonment that may disrupt the ROW or any other development of the area, including staging of equipment, ties and rails, a plan should be developed to avoid or minimize impacts to the remnant habitats and the associated species. If rare species cannot be avoided in the project's impact area, then an incidental take consultation may be conducted to determine if take of the species is allowable.

Any prairie habitat disturbed as a result of the project activities should be reseeded with DNR certified native prairie seed. Every effort should be made to ensure that invasive exotic species are not introduced to the site.

5. WILDLIFE SANCTUARIES OR REFUGES

The rail corridor runs close to and crosses Duck Creek. As mentioned above, often rail corridors provide valuable habitat for native plant and animal species. Disturbance due to track and tie removal should be kept to the minimum required to do the work.

6. NATIONAL OR STATE PARKS OR FORESTS

There are no National or State Parks or Forests along the project route. Pamperin Park does run along the railroad corridor.

7. COASTAL ZONE MANAGEMENT

Concerns regarding consistency with Coastal Zone Management would be more appropriately addressed by Michael Frlis (608-267-7982) at the Wisconsin Department of Administration, 101 East Wilson Street, Madison, WI 53707.

8. SOIL AND NATURAL RESOURCE CONSERVATION

If the only work done is removal of the ties track and possibly culverts and bridges, the project should have minimal impact on natural resources along the route. As mentioned previously, proper erosion control measures must be used and maintained during and after the salvage operation and the route should be reviewed for any rare or unusual prairie habitat.

9. AGRICULTURAL LAND

No comment.

10. REGIONAL AND/OR LOCAL LAND USE PLANS

There is an interest with this section of railroad for conversion to a trail by the State of Wisconsin through the DNR's Rails to Trails Program. Gary Hanson, DNR Trail Coordinator, can be reached at (920) 662-5123 for additional information.

11. SECTION 402 OR 404 PERMITS

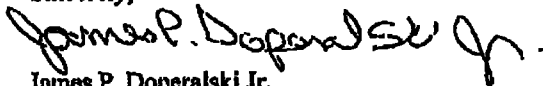
You should contact the U.S. Army Corps of Engineers office in Green Bay, WI (920-448-2824) for further information regarding the need for these permits.

12. WASTE AND DEMOLITION DISPOSAL

All demolition and waste material that cannot be recycled must be disposed of in an appropriate manner. Disposal in wetlands or surface waters is not permitted. A plan should be developed describing the method and location of all waste and demolition material disposal.

If you have any questions, please feel free to contact me at 920-662-5119.

Sincerely,



James P. Doperalski Jr.
Environmental Analysis and Review Specialist

cc: Gary Hanson - Green Bay
File: 11971

FLETCHER & SIPPEL LLC

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August 31, 2010

Mr. Gregory Hines, RC&D Coordinator
Natural Resource Conservation Service
3071 Voyager Drive, Suite E
Green Bay, Wisconsin 54311-8343

**Re: Docket No. AB 303 (Sub No. 36X) Wisconsin Central Ltd.
Proposed Abandonment In Brown County, Wisconsin**

Dear Mr. Hines:

Wisconsin Central Ltd. ("WCL"), as successor-in-interest to Fox Valley & Western Ltd., is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.92 miles of railroad line starting at MP 3.88, in the Village of Howard, Wisconsin, and ending at MP 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation, in Brown County, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so that you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,



Michael J. Barron, Jr.
Attorney for Wisconsin Central Ltd.

MJB:jc
Encl

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mbarron@fletcher-sippel.com

August 31, 2010

Wisconsin Coastal Management Program
PO Bo 8944
Madison, Wisconsin 53708-8944

**Re: Docket No. AB 303 (Sub No. 36X) Wisconsin Central Ltd.
Proposed Abandonment In Brown County, Wisconsin**

Dear Sir or Madame:

Wisconsin Central Ltd. ("WCL"), as successor-in-interest to Fox Valley & Western Ltd., is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.92 miles of railroad line starting at MP 3.88, in the Village of Howard, Wisconsin, and ending at MP 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation, in Brown County, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so that you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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Thank you for your assistance.

Very truly yours,



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MICHAEL J. BARRON, JR.
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mbarron@fletcher-sippel.com

August 31, 2010

U.S. Fish & Wildlife Service
2661 Scott Tower Drive
New Franken, Wisconsin 54229

Re: **Docket No. AB 303 (Sub No. 36X) Wisconsin Central Ltd.**
Proposed Abandonment In Brown County, Wisconsin

Dear Sir or Madame:

Wisconsin Central Ltd. ("WCL"), as successor-in-interest to Fox Valley & Western Ltd., is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.92 miles of railroad line starting at MP 3.88, in the Village of Howard, Wisconsin, and ending at MP 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation, in Brown County, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so that you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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Attorney for Wisconsin Central Ltd.

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MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

August 31, 2010

US Army Corp of Engineers
St. Paul District (CEMVP-PA)
190 Fifth Street East
St. Paul, Minnesota 55101-1638

**Re: Docket No. AB 303 (Sub No. 36X) Wisconsin Central Ltd.
Proposed Abandonment In Brown County, Wisconsin**

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Wisconsin Central Ltd. ("WCL"), as successor-in-interest to Fox Valley & Western Ltd., is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.92 miles of railroad line starting at MP 3.88, in the Village of Howard, Wisconsin, and ending at MP 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation, in Brown County, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so that you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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Thank you for your assistance.

Very truly yours,



Michael J. Barron, Jr.
Attorney for Wisconsin Central Ltd.

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MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

August 31, 2010

Mr. Kenneth A. Westlake
Chief, NEPA Implementation Section
US EPA Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Re: Docket No. AB 303 (Sub No. 36X) Wisconsin Central Ltd.
Proposed Abandonment In Brown County, Wisconsin

Dear Mr. Westlake:


Wisconsin Central Ltd. ("WCL"), as successor-in-interest to Fox Valley & Western Ltd., is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.92 miles of railroad line starting at MP 3.88, in the Village of Howard, Wisconsin, and ending at MP 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation, in Brown County, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so that you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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Michael J. Barron, Jr.
Attorney for Wisconsin Central Ltd.

MJB:jc
Encl

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mbarron@fletcher-sippel.com

August 31, 2010

Mr. Sherman Banker
Wisconsin Historical Society
Division of Historic Preservation and Public History
816 State Street
Madison, Wisconsin 53706

Re: **Docket No. AB 303 (Sub No. 36X) Wisconsin Central Ltd.**
Proposed Abandonment In Brown County, Wisconsin

Dear Mr. Banker:

Wisconsin Central Ltd. ("WCL"), as successor-in-interest to Fox Valley & Western Ltd., is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.92 miles of railroad line starting at MP 3.88, in the Village of Howard, Wisconsin, and ending at MP 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation, in Brown County, Wisconsin.

I am forwarding the 106 Form required by the Wisconsin Historical Society. The line rests in Howard on its eastern half and on the Oneida Reservation on its western half. The dividing point is Duck Creek. There is one structure on this segment, a bridge over Duck Creek at milepost 4.8. Photographs and a map are enclosed.

Thank you for your assistance. Please call me should you have any questions.

Very truly yours,



Michael J. Barron, Jr.
Attorney for Wisconsin Central Ltd.

MJB:jc
Encl

REQUEST FOR SHPO COMMENT AND CONSULTATION ON A FEDERAL UNDERTAKING

Submit one copy with each undertaking for which our comment is requested. Please print or type. Return to:

Wisconsin Historical Society, Division of Historic Preservation, Office of Preservation Planning, 816 State Street, Madison, WI 53706

Please Check All Boxes and Include All of the Following Information, as Applicable:

I. GENERAL INFORMATION

- ☒ This is a new submittal.
☐ This is supplemental information relating to Case #: _____ and title: _____
☐ This project is being undertaken pursuant to the terms and conditions of a programmatic or other interagency agreement.
 The title of the agreement is _____

- a. Federal Agency Jurisdiction (Agency providing funds, assistance, license, permit): Surface Transportation Board
 b. Federal Agency Contact Person: Cynthia T. Brown, Chief of Administration Phone: 202-245-0245
 c. Project Contact Person: Michael J. Barron, Jr. Phone: 312-252-1511
 d. Return Address: 29 North Wacker Drive, Suite 920, Chicago, Illinois Zip Code: 60606
 e. Email Address: mbarron@fletcher-sjppel.com
 f. Project Name: AB-303 (Sub No. 36x) Wisconsin Central Ltd. Abandonment Exemption in Brown County, Wisconsin
 g. Project Street Address: N/A - Rail Line Abandonment - Brown County, Wisconsin
 h. County: Brown City: Howard Zip Code: 54307
 i. Project Location: Township _____, Range _____, E/W (circle one), Section _____, Quarter Sections _____
 j. Project Narrative Description—Attach Information as Necessary. Wisconsin Central Ltd. ("WCL") plans to file a Notice of Exemption with the STB for abandonment on 1.92 miles of railroad, starting at milepost 3.88 in the Village of Howard, Wisconsin and ending at milepost 5.8 on the Onelda Reservation
 k. Area of Potential Effect (APE). Attach Copy of U.S.G.S. 7.5 Minute Topographic Quadrangle Showing APE.
See enclosed map.

II. IDENTIFICATION OF HISTORIC PROPERTIES

- ☐ Historic Properties are located within the project APE per 36 CFR 800.4. Attach supporting materials.
☒ Historic Properties are not located within the project APE per 36 CFR 800.4. Attach supporting materials.
 Photographs of the only structure on the line are enclosed. It does not appear to be historic.

III. FINDINGS

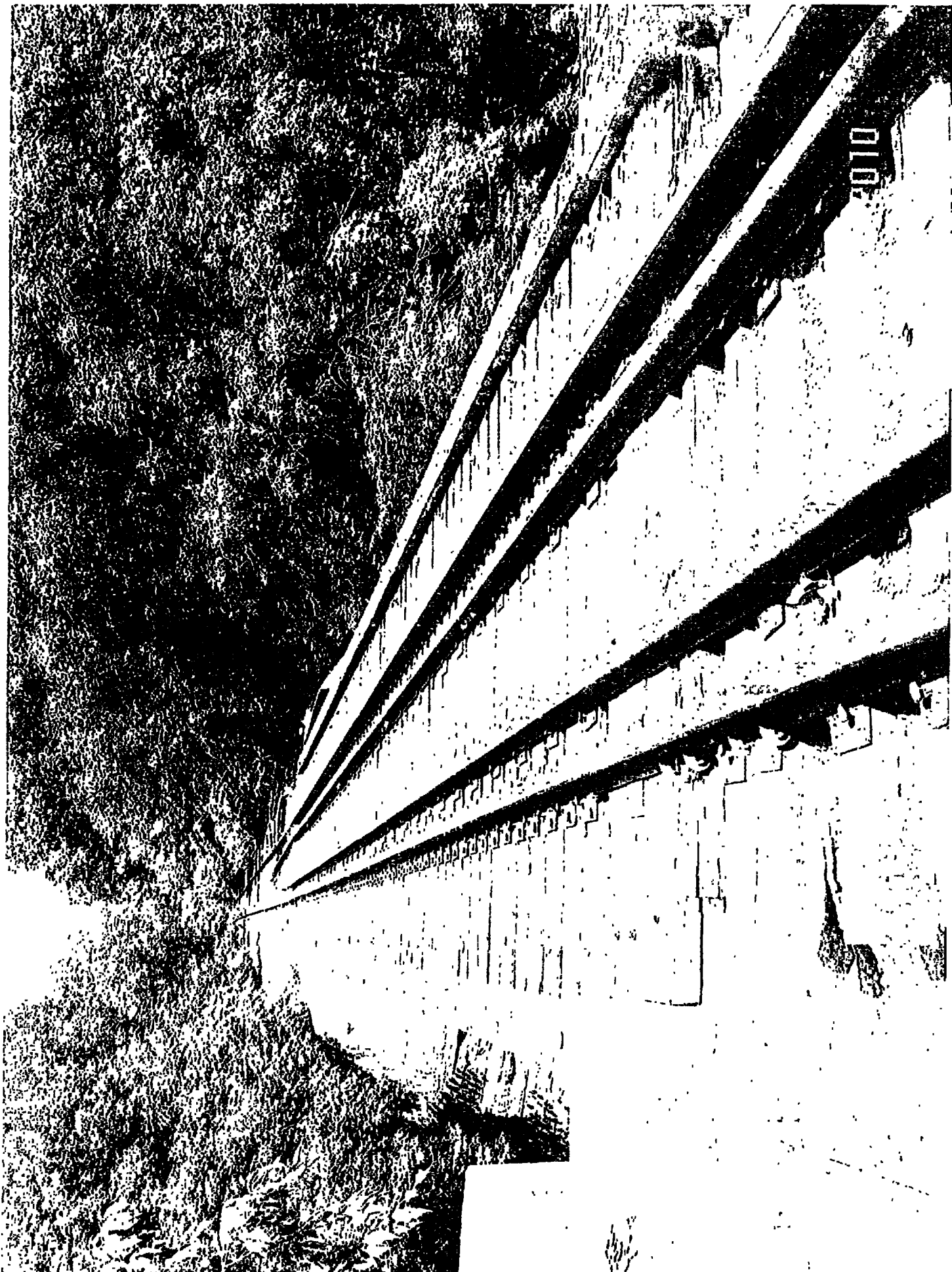
- ☒ No historic properties will be affected (i.e., none is present or there are historic properties present but the project will have no effect upon them). Attach necessary documentation, as described at 36 CFR 800.11.
☐ The proposed undertaking will have no adverse effect on one or more historic properties located within the project APE under 36 CFR 800.5. Attach necessary documentation, as described at 36 CFR 800.11.
☐ The proposed undertaking will result in an adverse effect to one or more historic properties and the applicant, or other federally authorized representative, will consult with the SHPO and other consulting parties to resolve the adverse effect per 36 CFR 800.6. Attach necessary documentation, as described at 36 CFR 800.11, with a proposed plan to resolve adverse effect(s).

Authorized Signature: Michael J. Barron, Jr. Date: 8-23-10
 Type or print name: Michael J. Barron, Jr.

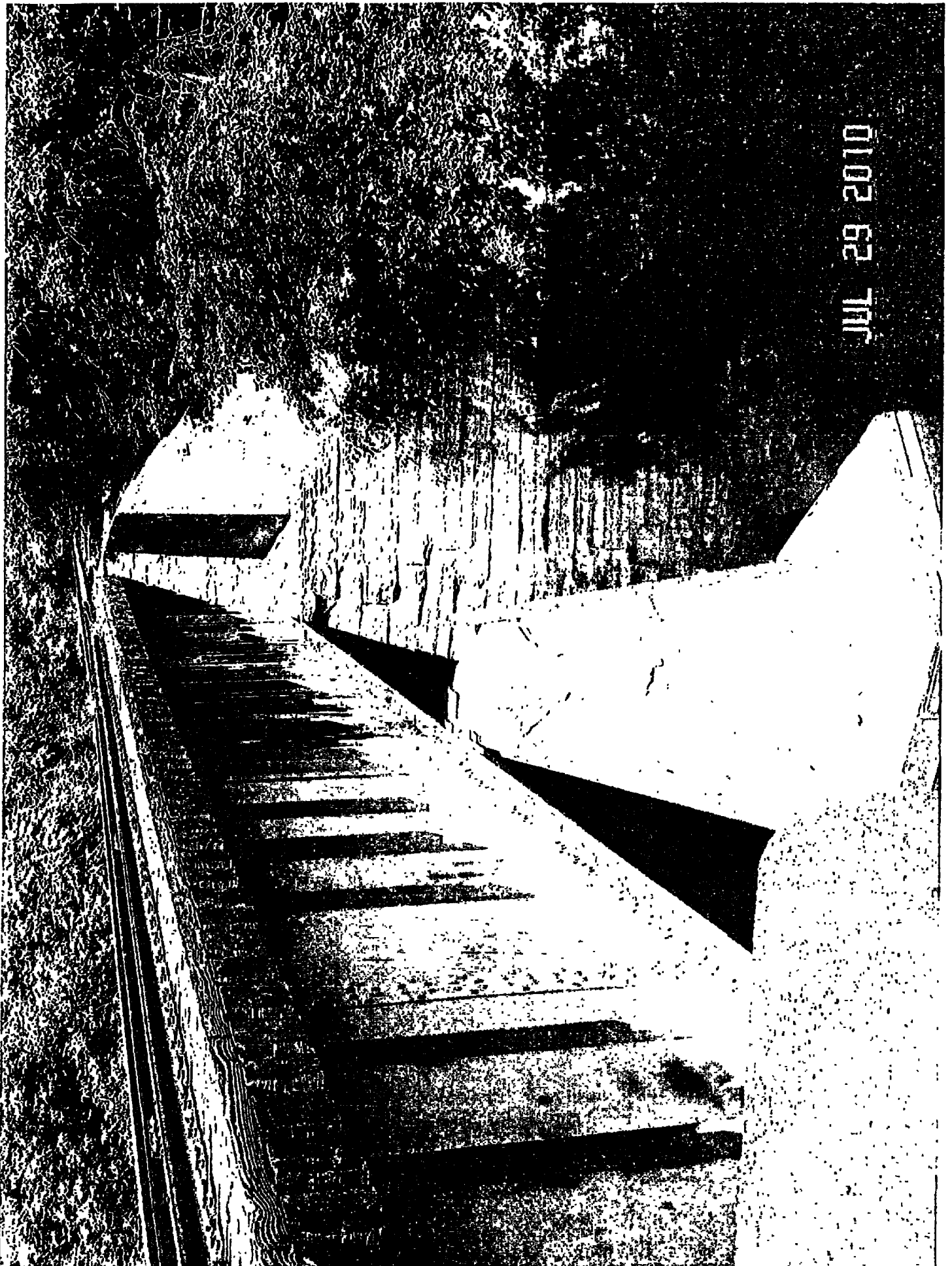
IV. STATE HISTORIC PRESERVATION OFFICE COMMENTS

- ☐ Agree with the finding in section III above.
☐ Object to the finding for reasons indicated in attached letter.
☐ Cannot review until information is sent as follows: _____

Authorized Signature: _____ Date: _____



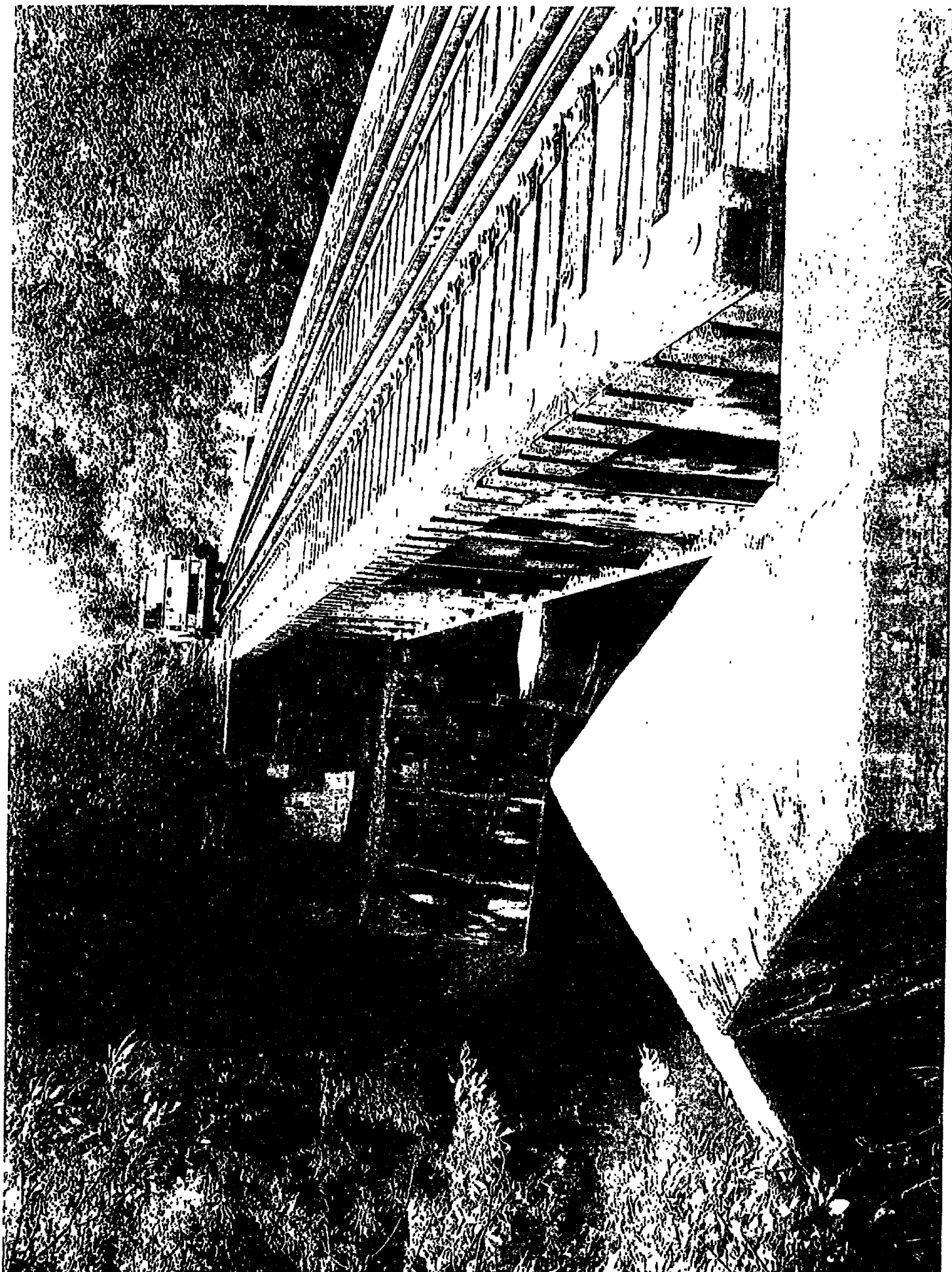
0102 62 711





JUL 29 2010





REQUEST FOR SHPO COMMENT AND CONSULTATION ON A FEDERAL UNDERTAKING

Submit one copy with each undertaking for which our comment is requested. Please print or type. Return to:

Wisconsin Historical Society, Division of Historic Preservation, Office of Preservation Planning, 816 State Street, Madison, WI 53706

Please Check All Boxes and Include All of the Following Information, as Applicable:

RECEIVED

SEP 02 2010

I. GENERAL INFORMATION

DIV HIST PRES

- ☒ This is a new submittal.
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 d. Return Address: 29 North Wacker Drive, Suite 920, Chicago, Illinois Zip Code: 60606
 e. Email Address: mbarron@fletcher-sippel.com
 f. Project Name: AB-303 (Sub No. 36x) Wisconsin Central Ltd. Abandonment Exemption in Brown County, Wisconsin
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Authorized Signature: Michael J. Barron, Jr. Date: 8-23-10
 Type or print name: Michael J. Barron, Jr.

IV. STATE HISTORIC PRESERVATION OFFICE COMMENTS

- ☐ Agree with the finding in section III above.
☐ Object to the finding for reasons indicated in attached letter.
☒ Cannot review until information is sent as follows: Review must be completed with Oneida Tribal Historic Preservation Office

Authorized Signature: Shawn Bauer Date: 9/22/10

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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Chicago, Illinois 60606-2832

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MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

August 31, 2010

Oneida Tribe of Indians of Wisconsin
3703 Hillcrest Drive
PO Box 765
Oneida, Wisconsin 54155
ATTN: Ms. Corina Williams, THPO

Re: **Docket No. AB 303 (Sub No. 36X) Wisconsin Central Ltd.**
Proposed Abandonment In Brown County, Wisconsin


Dear Ms. Williams:

Wisconsin Central Ltd. ("WCL"), as successor-in-interest to Fox Valley & Western Ltd., is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.92 miles of railroad line starting at MP 3.88, in the Village of Howard, Wisconsin, and ending at MP 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation, in Brown County, Wisconsin.

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Michael J. Barron, Jr.
Attorney for Wisconsin Central Ltd.

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Encl

Appendix L